

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ADA E. VALLANILLA-SOTO,

Plaintiff,

Civil Action No.:

- against -

**NOTICE OF REMOVAL**

2008 WESTCHESTER OWNER LLC, LIBERTY ONE GROUP, LIBERTY ONE CONSTRUCTION, LLC, U&Z CONSTRUCTION, INC. and SHAH GROUP ENTERPRISES, INC.,

Defendants.

-----X

TO: THE HONORABLE JUDGES OF THE  
UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK:

Pursuant to 28 U.S.C. § 1446, Defendant, 2008 Westchester Owner LLC, hereby gives notice of the removal of this action from the Supreme Court of the State of New York, County of Bronx. In support hereof, defendant states:

1. 2008 Westchester Owner LLC is a defendant in a civil action brought in the Supreme Court of the State of New York, Bronx County, entitled *Ada E. Vallanilla-Soto v. 2008 Westchester Owner LLC, Liberty One Group, Liberty One Construction, LLC, U&Z Construction, Inc. and Shah Group Enterprises, Inc.*, Index No. 27132/2019E (the “State Court Action”). A copy of the Summons and Verified Complaint in that action is attached hereto as **Exhibit “A”** and constitutes all process, pleadings and Orders served on defendant to date in such action.

2. Defendant 2008 Westchester Owner LLC’s Verified Answer to Verified Complaint was filed on or about August 2, 2019, a copy of which is annexed hereto as **Exhibit “B.”**

3. The remaining defendants have yet to appear in this action.

4. This action arises out of a trip and fall accident on February 3, 2019. Plaintiff is claiming negligence on the part of the defendants and is seeking monetary damages for personal injuries in excess of \$75,000.

5. The State Court Action was commenced with the filing of a Summons and Complaint in Bronx County Supreme Court on or about June 18, 2019. The within Notice of Removal is timely as it is being filed within thirty days of defendant's receipt of a copy of the initial pleading in this action.

6. Federal jurisdiction exists on grounds of diversity under 28 U.S.C. § 1332(a)(1). In particular, this controversy is between citizens of different states, in that the plaintiff is a citizen of the State of Pennsylvania and each of the defendants' primary place of business is in the State of New York. *See Exhibit "A"; annexed hereto as Exhibit "C"* are copies of the New York State Department of State, Division of Corporations Entity Information pertaining to each named defendant.

**WHEREFORE**, defendant, 2008 Westchester Owner LLC, prays that this case proceed in this Court as an action properly removed thereto.

Dated: White Plains, New York  
August 9, 2019

**MILBER MAKRIS PLOUSADIS  
& SEIDEN, LLP**



---

Andrew F. Pisanelli, Esq. (AF 8176)  
Attorneys for Defendant  
**2008 Westchester Owner LLC**  
White Plains, New York 10604  
(914) 231-8023  
File No. 712-17359  
apisanelli@milbermakris.com

TO: **LINTON ROBINSON & HIGGINS, LLP**  
Attorneys for Plaintiff  
80 Maiden Lane, Suite 1006  
New York, New York 10038  
(212) 601-2771  
File No.: PLN-103  
AHiggins@litigationattys.com

**LIBERTY ONE GROUP**

*Pro Se*  
175 Blake Avenue  
Brooklyn, New York 11212

**LIBERTY ONE CONSTRUCTION, LLC**

*Pro Se*  
175 Blake Avenue  
Brooklyn, New York 11212

**U&Z CONSTRUCTION INC.**

*Pro Se*  
565 Liberty Avenue  
Brooklyn, New York 11207

**SHAH GROUP ENTERPRISES INC.**

*Pro Se*  
128-24 140<sup>th</sup> Street  
Jamaica, New York 11436